

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RASUL MOORE,	:	
<i>Petitioner</i>	:	CIVIL ACTION
	:	
v.	:	
	:	
JOHN RIVELLO, <i>et al.</i> , ¹	:	
<i>Respondents</i>	:	No. 20-838

ORDER

AND NOW, this 31st day of May, 2022, upon consideration of Rasul Moore's Petition for a Writ of Habeas Corpus (Doc. No. 1) and Amended Petition (Doc. No. 6), the Commonwealth's Response (Doc. No. 12), Mr. Moore's Reply (Doc. No. 13), the Magistrate Judge's Report and Recommendation (Doc. No. 25), Mr. Moore's Objections (Doc. No. 27), and the Commonwealth's Response (Doc. No. 38), it is hereby **ORDERED AND DECREED** that:

1. The Report and Recommendation (Doc. No. 25) is **NOT ADOPTED**;
2. The Petition for a Writ of Habeas Corpus (Doc. Nos. 1 & 6) is **APPROVED** for the reasons set forth in the accompanying memorandum; and
3. Petitioner Rasul Moore shall be **RETRIED** within **180 days** of this Order or be released.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

¹ Mr. Moore is incarcerated at the State Correctional Institution at Huntingdon, Pennsylvania ("SCI-Huntingdon"), and he properly named Kevin Kauffman, who was the superintendent of SCI-Huntingdon, as the respondent in this case. Since that filing, John Rivello has replaced Mr. Kauffman as the superintendent of SCI-Huntingdon. Therefore, the Court substituted Mr. Rivello as the correct respondent in this case. *See* Rules Governing Section 2254 Cases in the United States District Courts R. 2(a) ("If the petitioner is currently in custody under a state-court judgment, the petition must name as respondent the state officer who has custody.").